

VZCZCXRO7393
RR RUEHDBU RUEHLN RUEHVK RUEHYG
DE RUEHTA #1561/01 1180157
ZNR UUUUU ZZH
R 280157Z APR 06
FM AMEMBASSY ALMATY
TO RUEHC/SECSTATE WASHDC 5131
INFO RUCNCIS/CIS COLLECTIVE
RUEHAST/USOFFICE ASTANA
RUEHVEN/USMISSION USOSCE 1556

UNCLAS SECTION 01 OF 02 ALMATY 001561

SIPDIS

SIPDIS
SENSITIVE

DEPT FOR SCA/CEN (J.MUDGE), DRL/PHD (C. KUCHTA-HELBLING)

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [KZ](#)

SUBJECT: KAZAKHSTAN: OPPOSITION LEADERS PREVENTED FROM TRAVELING
ABROAD

REF: ALMATY 326

ALMATY 00001561 001.2 OF 002

¶1. (SBU) Summary: Opposition leaders Galymzhan Zhakiyanov and Bulat Abilov were prevented from traveling to Brussels on April 24 to address the European Parliament. Authorities reportedly claimed that Zhakiyanov's parole status required him to seek prior approval before leaving. Zhakiyanov insists that he is required only to inform authorities of his travel. Abilov's departure was blocked due to criminal charges filed against him on April 23. Abilov alleges that the charges, which relate to a July 2005 incident in Karaganda, were filed at this late date precisely to prevent his travel to Brussels. End summary.

Zhakiyanov Stopped Due to Parole Status

¶2. (U) Kazakhstani authorities prevented "For a Just Kazakhstan" (FJK) leader Galymzhan Zhakiyanov and "True Ak Zhol" (TAZ) co-chair Bulat Abilov from traveling to Brussels on April 24 to address the European Parliament. They had also planned subsequent stops in the UK, France, and Germany. The other members of the delegation, TAZ co-chair Oraz Zhandosov and FJK member Tulen Tokhtasynov, were allowed to travel.

¶3. (SBU) Zhakiyanov, who was released in January after serving almost four years on politically motivated charges (reftel), stated at an April 25 press conference that after he had checked in and was attempting to board the flight, Border Guard officials told him he was not allowed to leave Kazakhstan without permission due to his parole status. He stressed during the press conference and a subsequent April 27 briefing for western embassies that the terms of his parole stipulate only that he is required to inform the Ministry of Internal Affairs when traveling, not to obtain permission. He said that he had notified the Medeo district police office in Almaty, in writing, on April 23 of his planned travel. At the April 27 briefing, Zhakiyanov added that he had provided the MVD a copy of his invitation from the European Parliament. Zhakiyanov has traveled abroad five times, including once to the U.S. to visit his son at UT Austin, without incident since his January 14 release.

¶4. (SBU) Both Zhakiyanov and well-known human rights activist Yevgeniy Zhovtis stated during the press conference that the authorities' decision to prevent Zhakiyanov from boarding the flight violated Kazakhstani law. According to Zhovtis, neither Article 179 of the Criminal Procedural Code nor the court ruling paroling Zhakiyanov indicate that he should be placed under administrative surveillance, which includes being subject to a travel ban. Zhovtis cited the case of opposition journalist Sergey Duvanov as an example, who told Pol FSN that he has

traveled abroad six times since his release on parole in May 2004 and had never been required to obtain permission beforehand. Zhakiyanov stated during the April 27 briefing that a high-ranking MVD official had already conceded to him that the decision to prevent his travel had been illegal, as only a judge can impose limitations on freedom of movement.

Abilov Hit with New Criminal Charges

15. (SBU) During the April 25 press conference, Abilov stated that on April 23 he had been summoned to a Karaganda court, where he underwent an entire day of questioning by authorities on criminal charges of insulting and assaulting a police officer. The charges relate to a July 2005 incident which occurred during an FJK meeting in Karaganda. At the April 27 briefing, Abilov explained that he had gotten into a dispute with a police officer when the authorities attempted to disrupt FJK chairman Zharmakhan Tuyakbay's meeting with local residents. After the incident, Abilov said, his lawyer attempted to reach a settlement with the police officer; he also publicly apologized. Abilov said he had heard nothing more about the case since last summer and assumed it was closed, until police appeared at his home last Sunday and insisted that he travel immediately to Karaganda for questioning.

16. (SBU) After the April 23 questioning, Abilov signed an agreement forbidding him to leave Almaty until his court date. As a result he did not attempt to board the flight, although he had also been invited to address the European Parliament. Abilov alleged during the press conference that the charges were filed at this late date in order to prevent his travel. He told participants in the April 27 briefing that, under the terms of the tax investigation that has been ongoing against him for several months, he had sought and received permission from the Financial Police to make the trip. Abilov claimed that the decision by other Kazakhstani authorities to block his travel

ALMATY 00001561 002.2 OF 002

reflected a last-minute change of opinion once the reason for his trip became known.

"Not Just a Mistake"

17. (SBU) During the April 27 embassy briefing, Zhakiyanov stressed that the actions against himself and Abilov could not have been accidental or the result of bad decisions by low-level officials; they reflected a coordinated approach by the KNB, the MVD, and the MOJ. He claimed that only someone in the Presidential Administration could have given an order that resulted in such coordinated action. Zhakiyanov expressed concern that future travel by him or other opposition figures could be banned, and said the opposition was looking at next steps to help prevent a repeat of the problem. FJK general secretary Tulegen Zhukeyev urged the U.S. and European embassies

SIPDIS

to engage with President Nazarbayev directly on this and other issues related to the opposition, as no one in the GOK was "brave enough" to tell him when problems arise.

18. (SBU) Comment: This was a severe miscalculation on the part of Kazakhstani authorities. By preventing two well-known opposition leaders from traveling, the GOK not only opened itself to charges of violating international human rights standards, it also drew more attention to the planned trip than it would have otherwise received. While post sees no evidence to support Zhakiyanov's assertion that there was a high-level GOK decision, there clearly seems to have been a coordinated effort at some level to prevent Zhakiyanov and Abilov from addressing the European Parliament. The Ambassador raised our concerns with FM Tokayev during an April 26 meeting; post will continue to seek assurances that the freedom of movement of political activists will not be limited without just cause. End comment.

